

1 PHILLIP A. TALBERT
2 United States Attorney
3 MICHAEL G. TIERNEY
4 Assistant United States Attorney
5 2500 Tulare Street, Suite 4401
6 Fresno, CA 93721
7 Telephone: (559) 497-4000
8 Facsimile: (559) 497-4099

9
10 Attorneys for Plaintiff
11 United States of America

12 IN THE UNITED STATES DISTRICT COURT
13
14 EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,

16 CASE NO. 1:22-CR-00162-ADA-BAM

17 Plaintiff,

18 STIPULATION AND ORDER TO CONTINUE
19 STATUS CONFERENCE

20 v.

21 MARCUS ASAY,

22 Defendant.

23
24 **BACKGROUND**

25 This matter is currently scheduled for a status conference on November 8, 2023. Doc. 15. On
26 October 24, 2023, the Court directed the parties to file a joint status report; or in the alternative, to file a
27 stipulation to continue the status conference. *Id.* The parties have agreed that further time is necessary
28 for defense investigation, review of discovery, trial preparation, and potential plea negotiations. In large
part, preparation for trial and possible resolution of this matter by trial or plea depends on the outcome
of *United States v. Agricultural Contracting Services Association et al.*, 1:19-cr-0003-ADA. The
Agricultural Contracting Services Ass'n case has been pending trial since January 2022. Defendant
Marcus Asay is also a defendant in that case. Counsel for the parties in this case set the current status
conference of November 8 date in this case because the then-existing trial date in *Agricultural
Contracting Services Ass'n* was September 13, 2023. Since that time, the *Agricultural Contracting
Services Ass'n* trial has been continued to January 23, 2024. The parties have therefore agreed to

1 stipulate to a continuance of the status conference in this case until March 27, 2024, when they
2 anticipate the *Agricultural Contracting Services Ass 'n* trial will be complete.

3 **STIPULATION AND [PROPOSED] ORDER**
4

5 **IT IS HEREBY STIPULATED** by and between the parties hereto, and through their respective
6 attorneys, that the status conference currently set for November 8, 2023 be continued to March 27, 2024.
7 Time shall be excluded from November 8, 2023 to March 27, 2024 under the Speedy Trial Act for defense
8 preparation and continuity of counsel. The Court finds that the ends of justice outweigh the interest of the
9 defendant and the public in a speedy trial.
10

11 Respectfully submitted,
12

13 PHILLIP A. TALBERT
United States Attorney

14 DATED: October 31, 2023

15 By: /s/ Michael G. Tierney
Michael G. Tierney
Assistant United States Attorney

17 DATED: October 31, 2023

18 By: /s/ Anthony P. Capozzi
Anthony P. Capozzi
Attorney for Marcus Asay

ORDER

The status conference currently set for November 8, 2023 is hereby continued to **March 27, 2024 at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time shall be excluded from November 8, 2023 to March 27, 2024 under the Speedy Trial Act for defense preparation and continuity of counsel. The Court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial.

IT IS SO ORDERED.

Dated: November 1, 2023

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE